

# **JOURNAL OF THE SENATE**

## **NINETY-FIRST SESSION**

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FOURTH DAY

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STATE OF SOUTH DAKOTA  
Senate Chamber, Pierre  
Friday, January 15, 2016

The Senate convened at 1:00 p.m., pursuant to adjournment, the President presiding.

The prayer was offered by the Chaplain, Rev. Bob Bogart, followed by the Pledge of Allegiance led by Senate page Erin Haase.

Roll Call: All members present except Sens. Buhl O'Donnell, Frerichs, Heinert, Holien, Hunhoff, Peters, Rampelburg, Shorma, Solano, who were excused.

### **APPROVAL OF THE JOURNAL**

MR. PRESIDENT:

The Committee on Legislative Procedure respectfully reports that the Secretary of the Senate has had under consideration the Senate Journal of the third day.

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Respectfully submitted,  
Gary Cammack, Chair

Which motion prevailed.

## REPORTS OF JOINT-SELECT COMMITTEES

MR. PRESIDENT:

Your Joint-Select Committee appointed on joint rules respectfully reports that it has had under consideration the joint rules and recommends that the joint rules adopted in March 2015 by the Ninetieth Legislative Session be adopted as the joint rules of the Ninety-first Legislative Session with the following changes:

Amend Chapter 6 of the Joint Rules as follows:

**6B-1. Time for introduction of bills, number of copies for introduction, bills are property of Legislature.** Any member or committee desiring to introduce a bill ~~or~~ resolution, or commemoration shall file two copies of the bill ~~or~~ resolution, or commemoration with the bill clerk at least two hours prior to the opening of the daily session. Any bill ~~or~~ resolution, or commemoration filed with the bill clerk and duly numbered becomes the property of the Legislature and may not thereafter be withdrawn.

**6D-1. Referral of bills and resolutions to standing committees.** Unless otherwise ordered, all bills and joint resolutions, except ~~the general appropriations bill~~ appropriation bills, shall be referred to a standing committee after their first reading.

Any appropriation bill may be referred directly to a standing committee or the Joint Committee on Appropriations authorized under Joint Rule 7-12. If an appropriation bill has passed its house of origin and the bill has received final disposition from the Joint Committee on Appropriations, the presiding officer of the second house may waive the referral of the bill to a standing committee or the Joint Committee on Appropriations in the second house.

The presiding officer may waive the referral ~~to standing committee~~ of concurrent resolutions to a standing committee. Copies of all concurrent resolutions shall be posted to the Legislative Research Council internet site before being acted upon.

Amend Chapter 7 of the Joint Rules as follows:

**7-1.4. Posting of agendas.** Agendas of the bills, resolutions, and other proposals to be considered at any meeting of a standing committee or subcommittee shall be posted on the bulletin board of the respective house. At least one legislative day shall intervene between the date of posting and the date of consideration. An agenda must be posted by 5 p.m. in order to allow for an intervening legislative day. However, if a day of legislative recess intervenes between the date of posting and the date of consideration, the requirement of posting is fulfilled ~~only if posting is made prior to adjournment of the session of the particular house by 5 p.m.~~ only if posting is made prior to adjournment of the session of the particular house by 5 p.m. on the day before the legislative recess.

1 **7-11. Introduction of general appropriation bill.** The general appropriation bill shall be  
2 introduced by the Senate Committee on Appropriations in even-numbered years and by the  
3 House Committee on Appropriations in odd-numbered years. ~~The general appropriation bill~~  
4 ~~shall be introduced no later than the sixteenth legislative day.~~

5 **7-11.1. Selection of revenue targets.** The Joint Committee on Appropriations shall select  
6 general fund revenue targets for the current and next fiscal years before the twentieth legislative  
7 day for the purpose of setting appropriations. The Committee may subsequently adjust the  
8 general fund revenue targets.

9 **7-12. Structure of Joint session or action for house and senate committees on**  
10 **appropriations committee.** The Senate and House Committees on Appropriations may meet  
11 in joint session or form combined subcommittees to hear agency or other budget presentations.  
12 All Joint ~~Appropriations~~ Committee on Appropriations action ~~on the general appropriations bill~~  
13 shall be approved by a majority vote of the Joint Committee unless a member calls for a separate  
14 vote of the House ~~Appropriations~~ Committee on Appropriations and the Senate ~~Appropriations~~  
15 Committee on Appropriations in which case a majority vote of each committee is required ~~for~~  
16 ~~adoption to adopt the action. Such action shall constitute~~ The majority vote of the committees  
17 in joint session to adopt the action or the majority vote of each appropriations committee to  
18 adopt the action constitutes the committee report of the house of origin on the general  
19 appropriation bill or an appropriation made by a separate bill.

20 Each agenda for the Joint Committee on Appropriations shall be approved by the Chair of the  
21 Senate Committee on Appropriations and the Chair of the House Committee on Appropriations.  
22 The respective Vice Chair of each committee may sign in the absence of the Chair.

Amend Chapter 17 of the Joint Rules as follows:

## CHAPTER 17. LEGISLATIVE DEADLINES

Legislative Deadlines	
Legislative Action	40 Day Session
<del>Final</del> A. Last day for unlimited introduction of individual bills and joint resolutions <sup>21</sup>	12 <sup>th</sup> Day
<del>Final</del> B. Last day for introduction of individual bills and joint resolutions <sup>21</sup>	15 <sup>th</sup> Day
<del>Final</del> C. Last day for introduction of committee bills and joint resolutions <sup>1&amp;2</sup>	16 <sup>th</sup> Day
D. Last day upon which Joint Rule 5-17 can be invoked on a bill or resolution in either house	26 <sup>th</sup> Day
E. Last day to move required delivery of bills or resolutions by a committee to the house of origin <sup>+</sup>	27 <sup>th</sup> Day
F. Last day to pass bills or joint resolutions by the house of origin <sup>+</sup>	28 <sup>th</sup> Day
<del>Final</del> G. Last day for introduction of concurrent resolutions and commemorations	28 <sup>th</sup> Day
H. During the seven final legislative days motions to reconsider and reconsideration being made upon the same day (any time before adjournment)	34 <sup>th</sup> Day on
I. Last day to move required delivery of bills or resolutions by a committee to the second house <sup>+</sup>	35 <sup>th</sup> Day
J. Last day for a bill or joint resolution to pass both houses <sup>+</sup>	36 <sup>th</sup> Day
K. Two days preceding the <del>final</del> last two days of a legislative session shall be reserved for concurrences or action upon conference committee reports	37 <sup>th</sup> Day 38 <sup>th</sup> Day
L. The <del>final</del> last day of a legislative session is reserved for the consideration of vetoes	40 <sup>th</sup> Day
<sup>1</sup> This deadline does not apply to the general appropriations bill. <sup>2</sup> -Bills and joint resolutions must be submitted to the Legislative Research Council at least 48 hours prior to this deadline, pursuant to Joint Rule 6A-5.	

**17-1. Exceptions to deadlines for appropriation bills.** Any general appropriation bill is not subject to the legislative deadlines of C, E, F, I, J, and K, in this chapter, except that the general appropriation bill requested by the Governor shall be subject to legislative deadline C.

Any appropriation bill that is not a general appropriation bill, which is referred to or reported to the floor by the House Committee on Appropriations, the Senate Committee on Appropriations or the Joint Committee on Appropriations, is subject to the following legislative deadlines, in lieu of the legislative deadlines of E and F, in this chapter:

(1) Last day to move required delivery of bills by a committee to the house of origin: 31<sup>st</sup> Day;

(2) Last day to pass bills by the house of origin: 32<sup>nd</sup> Day.

~~17-1.~~ **17-2. Calendar less than 40 days.** If a Session Calendar is adopted for a period of thirty-five (35) days to thirty-nine (39) days, inclusive, the legislative deadlines set forth in Chapter 17 of the Joint Rules shall be decreased as follows:

(1) Decrease the deadlines occurring after the 16<sup>th</sup> day but prior to the 34<sup>th</sup> day by one (1) day for every two (2) days by which the length of the adopted calendar is less than forty (40) days;

(2) Decrease the deadlines occurring on and after the 34<sup>th</sup> day by the same number of days by which the length of the adopted calendar is less than forty (40) days.

The joint rules and the rules of the Senate and House shall be printed in the House Journal.

Respectfully submitted,  
Dean Wink  
Brian Gosch  
Spencer Hawley  
House Committee

Respectfully submitted,  
Gary Cammack  
Corey Brown  
Billie Sutton  
Senate Committee

## CONSIDERATION OF REPORTS OF JOINT-SELECT COMMITTEES

Sen. Brown moved that the report of the Joint-Select Committee relative to the Joint Rules for the Ninety-first Legislative Session be adopted.

The question being on Sen. Brown's motion that the report of the Joint-Select Committee relative to the Joint Rules for the Ninety-first Legislative Session be adopted.

And the roll being called:

Yeas 26, Nays 0, Excused 9, Absent 0

Yeas:

Bradford; Brown; Cammack; Curd; Ewing; Fiegen; Greenfield (Brock); Haggar (Jenna); Haverly; Heineman (Phyllis); Jensen (Phil); Monroe; Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peterson (Jim); Rusch; Soholt; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; White

1 Excused:

2 Buhl O'Donnell; Frerichs; Heinert; Holien; Hunhoff (Bernie); Peters; Rampelberg; Shorma;  
3 Solano

4        So the motion having received an affirmative vote of a majority of the members-elect, the  
5        President declared the motion carried.

6 Sen. Brown moved that SB 37, 38, 39, 40, and 41 be deferred to Tuesday,  
7 January 19, 2016, the fifth legislative day.

8 Which motion prevailed.

9 Sen. Olson moved that the Senate do now adjourn, which motion prevailed and at  
10 1:21 p.m. the Senate adjourned.

11 Kay Johnson, Secretary